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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,146	09/10/2003	James C. Bedingfield SR.	60027.0329US01/BS030147	3051

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EXAMINER

BUI, BING Q

ART UNIT PAPER NUMBER

2614

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/659,146

**Applicant(s)**

BEDINGFIELD, JAMES C.

**Examiner**

Bing Q. Bui

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/10/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by MacNamara et al (US Pat No. 6,990,187), herein after referred as MacNamara .

Regarding claim 1, MacNamara teaches a method for identifying telemarketer communications directed to a subscriber of a call screening service comprising:

receiving a call from a calling party directed to a subscriber of the call screening service (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17);

determining whether a telephone directory number of the calling party is known (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17);

if the telephone directory number of the calling party is known, determining whether the telephone directory number of the calling party matches one or more telephone directory numbers stored in a database of telephone directory numbers

associated with telemarketer communications (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17); and

if the telephone directory number of the calling party matches one or more of the telephone directory numbers stored in the database of telephone directory numbers associated with telemarketer communications, intercepting the call from reaching the subscriber of the call screening service (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17).

Regarding claim 2, MacNamara teaches the method of claim 1, prior to determining whether the telephone directory number of the calling party matches one or more telephone directory numbers stored in the database of telephone directory numbers associated with telemarketer communications further comprising: monitoring all inbound and outbound calls of a carrier network; receiving and collecting a calling telephone directory number, a called telephone directory number, and a termination status for at least each inbound call to the calling telephone directory numbers wherein the termination status comprises an indicator as to whether an inbound or an outbound call is terminated; analyzing the calling and called telephone directory numbers and the termination status of at least each inbound call to the calling telephone directory numbers to determine a calling pattern for each calling telephone directory number; determining whether the calling pattern of one or more calling telephone directory numbers match a profile of telemarketer communications; and if the calling pattern of one or more calling telephone directory numbers match the profile of telemarketer communications, storing the one or more calling telephone directory numbers in the

database of telephone directory numbers associated with telemarketer communications (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17).

Regarding claim 3, MacNamara teaches the method of claim 2, further comprising: prior to analyzing the calling and called telephone directory numbers and the termination status of at least each inbound call to the calling telephone directory numbers, receiving and collecting a time of each inbound and outbound call of the carrier network; and in addition to analyzing the calling and called telephone directory numbers and the termination status of at least each inbound call to the calling telephone directory numbers, analyzing the time of each inbound and outbound call to determine a calling pattern for each calling telephone directory number (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17).

Regarding claim 4, MacNamara teaches the method of claim 2, further comprising: determining whether the calling pattern of each calling telephone directory number stored in the database of telephone directory numbers associated with telemarketer communications continues to match the profile of telemarketer communications; and if the calling pattern of one or more of the calling telephone directory numbers stored in the database of telephone directory numbers associated with telemarketer communications no longer continues to match the profile of telemarketer communications, removing the one or more calling telephone directory numbers from the database of telephone directory numbers associated with telemarketer communications (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17).

Regarding claim 5, MacNamara teaches the method of claim 4, wherein determining whether one or more of the calling telephone directory numbers stored in the database of telephone directory numbers associated with telemarketer communications continues to match the profile of telemarketer communications comprises at least one of the following: detecting whether one or more of the calling telephone directory numbers stored in the database continue to be monitored as having a calling pattern that matches the profile of telemarketer communications; determining whether one or more calling telephone directory numbers having a calling pattern that initially matched the profile of telemarketer communications have a non-telemarketing purpose, thereby no longer matching the profile; and detecting whether one or more of the calling telephone directory numbers stored in the database are disconnected (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17).

Regarding claim 6, MacNamara teaches the method of claim 1, further comprising: in response to intercepting the call from reaching the subscriber of the call screening service, requesting that the calling party record a name of the calling party prior to routing the call to the subscriber; if the calling party records the name of the calling party, routing the call to the subscriber and notifying the subscriber of the call and the name of the calling party; if the calling party does not record the name of the calling party, disconnecting the call; and in response to routing the call to the subscriber and notifying the subscriber of the call and the name of the calling party, the subscriber completing one of the following: answering the call; choosing to ignore the call and sending the calling party a message that the subscriber is unavailable; or sending a

message to the calling party not to call the subscriber again and to add the subscriber to a no call list of the calling party (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17).

Regarding claim 7, MacNamara teaches the method of claim 1, further comprising at least one of the following: in response to intercepting the call from reaching the subscriber of the call screening service, completely blocking the call from reaching the subscriber; and in response to intercepting the call from reaching the subscriber of the call screening service, routing the call to a voice mail system of the subscriber (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17).

Regarding claim 8, MacNamara teaches the method of claim 1, wherein the call received from the calling party triggers a terminating attempt trigger at a service switching point that services a telephone of the subscriber and wherein determining whether a telephone directory number of the calling party is known comprises: in response to triggering the terminating attempt trigger, transmitting a query from the service switching point to a service control point via a signal transfer point over one or more signaling system data links wherein the query includes a telephone directory number of the subscriber, the telephone directory number of the calling party, and a presentation restriction indicator of the calling party; and checking the presentation restriction indicator at the service control point executing a service package application for the call screening service wherein if the presentation restriction indicator of the calling party is unrestricted, then the telephone directory number of the calling party is known (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17).

Regarding claim 9, MacNamara teaches the method of claim 8, wherein the database of telephone directory numbers associated with telemarketer communications is shared among all subscribers to the call screening service and all the service control points executing the service package application for the call screening service (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17).

Regarding claim 10, MacNamara teaches the method of claim 2, wherein the carrier network comprises a network having transport and signaling capabilities and wherein monitoring all inbound and outbound calls of the carrier network comprises connecting a link monitoring system to one or more signal transfer points within the carrier network, wherein the link monitoring system is equipped with a passive monitoring connection that monitors and conveys for collection in the link monitoring system one or more signal system protocol messages including the calling and called telephone directory numbers and the termination status of at least each inbound call to the calling telephone directory numbers routed by the signal transfer points (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17).

Regarding claim 11, MacNamara teaches the method of claim 2, wherein the calling and called telephone directory numbers and the termination status of at least each inbound call to the calling telephone directory numbers are analyzed by a telemarketer detection module to determine the calling pattern of each calling telephone directory number and wherein the profile of telemarketer communications for a calling telephone directory number comprises: a quantity of calls originating from the calling telephone directory number equal to or exceeding a predetermined minimum threshold



quantity over a data collection cycle; and a quantity of calls terminating at the calling telephone directory number being less than or equal to a predetermined maximum threshold quantity over the data collection cycle (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17).

Regarding claim 12, MacNamara teaches the method of claim 3, wherein the calling and called telephone directory numbers, the termination status of at least each inbound call to the calling telephone directory numbers, and the time of each inbound and outbound call are analyzed by a telemarketer detection module to determine the calling patterns of one or more calling telephone directory numbers and wherein the profile of telemarketer communications for a calling telephone directory number comprises: a quantity of calls originating from the calling telephone directory number equal to or exceeding a predetermined minimum threshold quantity between a specified time interval; a quantity of calls terminating at the calling telephone directory number being less than or equal to a predetermined maximum threshold quantity between the specified time interval; and the majority of calls originating from the calling telephone directory number between the specified time interval wherein the specified time interval comprises a typical time period when telemarketer calls are initiated (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17).

Regarding claim 13, MacNamara teaches the method of claim 1, wherein the database of telephone directory numbers associated with telemarketer communications is populated by at least one of the following: one or more calling party telephone directory numbers matching a profile of telemarketer communications; one or more

calling party telephone directory numbers identified by one or more called parties as a telemarketer number; one or more calling party telephone directory numbers self-identified by one or more telemarketers; and one or more calling party telephone directory numbers received from a regulatory database of telemarketers required to identify their respective telephone directory numbers (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17).

Regarding claim 14, MacNamara teaches the method of claim 2, wherein the carrier network comprises network having transport and signaling capabilities and wherein monitoring all inbound and outbound calls of the carrier network comprises connecting a link monitoring system to one or more transfer points within the carrier network, wherein the link monitoring system is equipped with a passive monitoring connection that monitors and conveys for collection in the link monitoring system one or more session initiation protocol messages including the calling and called telephone directory numbers and the termination status of at least each inbound call to the calling telephone directory numbers (see Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17).

As to claims 15-24, they are rejected for the same reasons set forth to rejecting claims 1-14 as referred to Abstract; Figs 1-2; and column 5, line 53 – column 9, line 17.

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 6,385,310

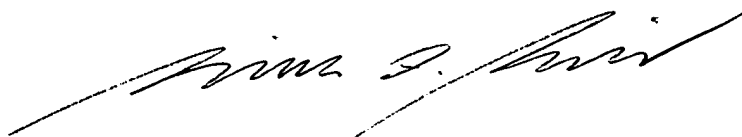
U.S. Pat. No. 7,020,259

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui, Tel. No. (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 and for formal communications intended for entry (please label the response ☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

26 Nov 2006



**BING Q. BUI  
PRIMARY EXAMINER**